

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4723 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

GANATRA PREMJIBHAI THRO HEIR JAYANTILAL PREMJIBHAI

Versus

BHAVNAGAR MUNICIPAL CORPN

Appearance:

MR NAGIN N GANDHI for Petitioners
MR JR NANAVATI for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 12/07/2000

ORAL JUDGEMENT

#. Mr.Nanavaty submits that this petition may be disposed of in terms of the reply which has been filed by respondent.

#. In the special civil application, the petitioners

prayed for prohibiting the respondents from demolishing their stall situate opposite Rupam Cinema, Ghogha Gate, Bhavnagar, and thereby evicting them from the plots of the land in their occupation.

#. Interim relief has been granted by this court, meaning thereby, they have been protected by the court and this interim relief continues for all these years.

#. In reply to the special civil application, it is stated that the officers of the Corporation never threatened the petitioners to evict them forcible from the stalls as stated in the special civil application. It is stated that this apprehension of demolition of their shops and forcible eviction of the petitioners from the land is wholly baseless. A categoric statement has been made that the Corporation will take action in accordance with law after following the procedure contained in Gujarat Public Premises (Eviction of Unauthorized Occupants) Act, 1972.

#. In view of this statement made in reply by the respondents, now nothing survives in this special civil application and accordingly same is disposed of in the terms that as and when the Corporation decides to demolish and evict the petitioners from the suit land, it will proceed in accordance with due process of law. Rule stands disposed of accordingly with no order as to costs.

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(sunil)